

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14602 of Eunice C. Swinson, pursuant to Sub-section 8207.2 (3108, DCMR 11) of the Zoning Regulations, for a special exception under Paragraph 3102.425 (303, DCMR 11) to increase the number of an existing community residence facility from four to six residents and to permit location of the facility within 500 feet of another community based residential facility in an R-4 District at premises 929 - 7th Street, N.E., (Square 888, Lot 38).

HEARING DATE: June 17, 1987

DECISION DATE: June 17, 1987 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the east side of 7th Street between Eye and K Streets and is known as premises 929 7th Street, N.E. It is zoned R-4.
2. The property is currently developed with a brick two-story plus basement row dwelling and a single car garage.
3. The immediate area is generally developed with single-family row dwellings with a public school or church interspersed throughout the neighborhood.
4. The applicant presently operates a community residential facility for four elderly persons at the subject premises. The applicant proposes to increase the number of residents to six.
5. The maximum number of staff at the facility would be three. At present the staff consists of two persons, the applicant and a housekeeper, both of whom reside at the subject premises.
6. Under 11 DCMR 201.1 (0), a community residence facility for five to eight persons is permitted as a matter of right provided there is no property containing an existing community residential facility for five or more persons in the same square or within a radius of 1,000 feet from the property. The Chief of the Zoning Review Branch, Department of Consumer and Regulatory Affairs, has identified the existence of an emergency shelter for 150 persons within 1,000 feet at 611 I Street, N.E. The applicant is therefore seeking a special exception pursuant to 11 DCMR 303.7.

Section 303.7 empowers the Board to approve a community residential facility when there are others within the cited distance if the Board finds that the cumulative effect of all the community residential facilities will have no adverse impacts on the neighborhood such as noise or traffic.

7. The requested increase is modest and does not result in an increase in staff. The facility provides twenty-four hour a day supervision of the residents. The residents are taken by bus to a nearby senior citizen center on a daily basis. There are very few visitors to the site.

8. By memorandum dated May 28, 1987, the District of Columbia Department of Public Works advised that the Zoning Regulation's require the applicant to provide one on-site parking space. The required parking space is provided in the existing garage at the rear of the property. The Department of Public Work was of the opinion that the existing parking space along with on-street parking and public transportation will adequately accommodate the demand for staff and visitor parking. The Department of Public Works further was of the opinion that the proposed expansion will not have a significant impact on the surrounding street system. The Board so finds.

9. By memorandum dated June 11, 1987, the Office of Planning recommended that the application be approved. The Office Planning was of the opinion that the proposal will have minimal, if any, impact on the surrounding area. The Board concurs with the recommendation of the Office of Planning.

10. There was no opposition to the granting of the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings and the evidence of record, the Board concludes that the applicant is seeking a special exception, the granting of which requires a showing through substantial evidence that the applicant has complied with the requirements of Sub-section 303.1 and that the relief can be granted as in harmony with the general purpose and intent of the Zoning Regulation's and will not tend to affect adversely the use of neighboring property.

The Board concludes that the applicant has met the burden of proof. The addition of two residents at the subject facility will have minimal impacts on the cumulative effects of the subject facility and the existing emergency shelter. The Board concludes that there will be no adverse impact on the neighborhood due to traffic, noise or operations.

The Board further concludes that the granting of the subject application will be in harmony with the intent, purpose and integrity of the Zoning Regulation's and map and will not tend to affect adversely the use of neighboring property. Accordingly, it is hereby ORDERED that the application is GRANTED.

VOTE:4-0 (Patricia Mathews, Paula L. Jewell, William F. McIntosh and Charles R. Norris to grant; Carrie L.Thornhill not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
EDWARD L. CURRY  
Acting Executive Director

FINAL DATE OF ORDER: SEP 9 1987

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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